

EXHIBIT E



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MtBE")
Products Liability Litigation

MDL No. 1358
Master File C.A. No.
1:00-1898 (SAS)

This document relates to the following cases:

City of New York v. Amerada Hess Corp., et al.
04 Civ. 3417

**2nd ERRATA TO FEBRUARY 6, 2008 EXPERT REPORT OF David B. Terry, P.G.
LEGGETTE, BRASHEARS & GRAHAM, INC.
6 Arrow Road
Ramsey, NJ 07446**

Signature

April 20, 2009

Date

Using the estimated capture zone extent, a search was made of available file information for records of known gasoline spills located within this area. Information regarding known spills was provided in electronic form, including databases and scanned reports, to LBG by MPI and the DEP. The data acquisition process for source location data is described in Cohen, 2009. A listing was compiled of such sites for which the file information indicated that significant releases of gasoline had occurred (Table 4). The available file information for each site was reviewed to determine the number of reported spills, and the date and volume of each spill. In many cases, the date and/or volume of the spills was not known or not reported. For these cases, the spill date was approximated in the analysis as being the same as the discovery or reporting date. Where the spill volume was unknown, the volume was represented as a variable that was used to conduct a sequence of potential discharge scenarios during this analysis.

Using this methodology, a total of 37 spills at 22 locations were identified as potentially significant and to be included in the analysis. It should be noted that there are many additional sites at which the file information indicated that discharges of gasoline also likely occurred. However, insufficient information was available about these sites to conclude that potentially significant discharges had occurred. As a result, these sites were not included as MTBE sources in Analysis 2. The presence of additional sites in which significant releases occurred would add additional MTBE mass to the ground-water system which is not explicitly represented in the model. There is reason to suspect that additional, unreported MTBE sources are present within the Station 6 capture zone, based on the results of a recent study of nearby Nassau County, Long Island which found the presence of MTBE ground water contamination exceeding 10 ppb at 53% of the 'non-discharge site' gasoline stations tested (NYSDEC, 2008). As such, the omission of such additional sites represents a conservative aspect of the approach in this analysis in terms of potential MTBE impacts at Station 6.

Once the source locations to be included in Analysis 2 were identified, the estimated loading of MTBE mass from spills at these sites to the ground water regime was calculated. For sites with unknown spill volumes, three scenarios were considered: gasoline spill volumes of 50 gallons, 500 gallons and 2,000 gallons, respectively. The MTBE mass for these spill volumes was calculated based on the reported average percentage of MTBE typically present in gasoline sold in New York State on the spill date (as summarized in Table 1). The extent of the MTBE contaminant plumes in ground water which could be expected to have formed in response to these spill scenarios was established using the analytical transport model ATRANS (Neville, 2005). The ATRANS model was used to determine the extent of the plume which would have